

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ORLANDO LEBRON,

Plaintiff,

-vs-

Case No. 11-CV-806

LT. STEFFEN and DR. JEFFREY S. ALLEN,

Defendants.

ORDER

On August 23, 2012, the plaintiff filed motion for discovery in which he requests that the court direct the defendants to send the plaintiff discovery. He also filed a motion for extension of time to the discovery deadline so that he may obtain and review the information.

Although Federal Rule of Civil Procedure 37 permits the court to compel discovery, the party seeking such discovery must complete several steps before court intervention is appropriate. The party seeking discovery must first direct his request to the opposing party. If the opposing party fails to provide the materials, the party must then “confer[] or attempt[] to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Civ. L. R. 37 (E.D. Wis.). If the party is still unable to obtain discovery, he may file a motion to compel discovery with the court pursuant to Fed. R. Civ. P. 37(a). Such motion must be accompanied by a written

statement that the he conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action. Fed. R. Civ. P. 37(a).

The motion before the court appears to be the plaintiff's initial request for discovery. As he has not indicated that he made any such prior demand of the defendants or engaged in the required personal consultation, court action would be premature. However, under the circumstances, the court will granted the plaintiff additional time for the completion of discovery.

IT IS THEREFORE ORDERED that the plaintiff's motion for discovery (Docket #31) is **denied**.

IT IS FURTHER ORDERED that the plaintiff's motion for extension of time (Docket #31) is **granted**. The deadline for the completion of discovery will be extended until **November 9, 2012**, and the deadline for filing dispositive motions will be extended until **December 10, 2012**.

Dated at Milwaukee, Wisconsin, this 6th day of September, 2012.

SO ORDERED,


HON. RUDOLPH T. RANDA
U. S. District Judge